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1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE NORTHERN DISTRICT OF OKLAHOMA

3 STATE OF OKLAHOMA, ex rel, )  
 4 W.A. DREW EDMONDSON, in his )  
 capacity as ATTORNEY GENERAL )  
 5 OF THE STATE OF OKLAHOMA, )  
 et al. )

6 Plaintiffs, )

7 V. )

No. 05-CV-329-GKF-SAJ

8 )  
 9 TYSON FOODS, INC., et al., )

10 Defendants. )

11  
 12  
 13 REPORTER'S TRANSCRIPT OF PROCEEDINGS

14 MARCH 11, 2008

15 PRELIMINARY INJUNCTION HEARING

16 VOLUME VIII

17  
 18 BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge

19  
 20 APPEARANCES:

21 For the Plaintiffs: Mr. Drew Edmondson  
 22 Attorney General  
 23 Mr. Robert Nance  
 Mr. Daniel Lennington  
 Ms. Kelly Hunter Burch  
 Mr. Trevor Hammons  
 24 Assistant Attorneys General  
 313 N.E. 21st Street  
 25 Oklahoma City, Oklahoma 73105

Glen R. Dorrough  
 UNITED STATES COURT REPORTER

Exhibit 16

2013

1 Q. "To your knowledge do you know of any Simmons Growers in  
2 the Illinois River Watershed who have caused poultry discharge  
3 into the waters of the state of Oklahoma?

4 A. "No, I'd have to say the same thing that I -- I said to  
5 her. I -- I'm sure with as many Simmons people I have they  
6 have had complaints against them for that purpose, but I'm not  
7 aware of any right now.

8 Q. "And to your knowledge have any Simmons growers polluted  
9 or contaminated the waters of the state of Oklahoma?

10 A. "Not -- not to my knowledge."

11 MR. ELROD: We tender the witness for -- I guess it  
12 would be cross-examination.

13 THE COURT: Cross-examination.

14 MR. NANCE: We call John Littlefield for  
15 Cross-Examination.

16 JOHN LITTLEFIELD

17 Called as a witness on behalf of the defendants, being first  
18 duly sworn, testified as follows:

19 CROSS-EXAMINATION

20 BY MR. NANCE:

21 Q. Mr. Littlefield, as an inspector for the Oklahoma  
22 Department of Agriculture, are you familiar with the part of  
23 the Oklahoma law that makes it illegal for poultry waste to  
24 cause runoff or discharge into the waters of the state?

25 A. Yes.

2016

1 A. Once'd a year.

2 Q. And on average about how long are you out at a site when  
3 you are doing an inspection?

4 A. Approximately one hour.

5 Q. All right, sir. Do you ever wear any sort of protective  
6 gear when you do that?

7 A. Yes, I have.

8 Q. And what kind of gear do you wear?

9 A. Some boots, plastic boots.

10 Q. Why do you sometimes wear plastic boots when you go out  
11 and do an inspection?

12 A. Not to pass something on to the next farm that I'm going  
13 to go to, I guess.

14 Q. For a biosecurity concern for --

15 A. Yes, for biosecurity concern, yes, sir.

16 Q. Is that concern for the birds or concern for people?

17 A. The birds.

18 Q. What does a person have to pay annually to register their  
19 poultry growing operation with the Department of Agriculture?

20 A. \$10.

21 Q. And about how many registered poultry growing operations  
22 are there in the state of Oklahoma?

23 A. Approximately 850.

24 Q. Mr. Littlefield, have you ever had instances in which  
25 growers have not been completely honest with you when you go

2017

1 out and do an inspection?

2 A. Yes, I've had a few.

3 Q. And generally what have they not been honest with you  
4 about?

5 A. About where they've applied litter or how much they've  
6 applied.

7 Q. Now, is it also part of your job to look into complaints  
8 that are made about poultry growing operations?

9 A. Yes, sir.

10 Q. And about how many complaints do you look into a year?

11 A. Approximately 30 or 40.

12 Q. Do you take complaints from people on the street or in the  
13 coffee shop or whatever or are they complaints that come down  
14 to you from the Department of Agriculture?

15 A. They come down from the Department of Agriculture.

16 Q. What kind of complaints is it that you look into?

17 A. Well contamination. Spreading litter too close to the  
18 creeks, ponds. Odor, primarily all of them is odor related.

19 Q. Mr. Littlefield, do you routinely take soil samples from  
20 the poultry operations?

21 A. Yes.

22 Q. I mean --

23 A. Occasionally.

24 Q. Occasionally, okay. And is that something that you do on  
25 your own or is it something that you're asked to do by the

2018

1 Department of Agriculture?

2 A. Most of the time it's by the Department of Agriculture.

3 Q. Now, Mr. Littlefield, based on your familiarity with the  
4 operations in your territory, once the poultry waste and litter  
5 is removed from a barn, is it used in any further way to grow  
6 more poultry?

7 A. No, not to my knowledge.

8 Q. And this is an obvious question, but I want to get the  
9 answer in the record. Do you have any jurisdiction over  
10 poultry growing operations in the state of Arkansas?

11 A. No, sir.

12 MR. NANCE: Nothing further, Your Honor.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 BY MR. ELROD:

16 Q. Mr. Littlefield, when you are called upon, as I understand  
17 it, complaints go from a complainant to the Department of Ag  
18 and then back to you for investigation; is that the way it  
19 works?

20 A. Yes, sir.

21 Q. And after you conduct one of those investigations -- you  
22 say most of them are related to odor?

23 A. Yes, sir.

24 Q. And after you conduct one of those investigations, in the  
25 history of your involvement as a poultry inspector which